

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ANTHONY BICKLEY,

Plaintiff,

v.

MATTHEW FARRAR, et al.,

Defendants.

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No. 4:17-cv-1966-ACL

MEMORANDUM AND ORDER

This matter is before the Court upon review of the file. Plaintiff, proceeding herein pro se and in forma pauperis, is an inmate at the Fulton Reception and Diagnostic Center. He initiated this case on June 8, 2017 in the Western District of Missouri, and his case was transferred here on the basis of venue. Mail this Court sent to plaintiff on July 24, 2017 was returned undeliverable, but on September 25, 2017, plaintiff called to verify his new address, and the Court updated its records. On September 26, 2017, the Court reviewed plaintiff's complaint pursuant to 28 U.S.C. § 1915. The Court noted that the complaint was a long narrative that brimmed with irrelevant and extraneous material, legalese, and conclusory statements. In consideration of plaintiff's pro se status, the Court gave him the opportunity to submit an amended complaint. In so doing, the Court gave plaintiff specific instructions regarding how to cure the defects of the complaint, including informing him that he was required to set forth facts stating what each defendant did to violate his rights. The Court cautioned plaintiff that his failure to timely submit an amended complaint could result in the dismissal of his case without further notice.

Plaintiff's response to the Court was due October 17, 2017. To date, however, he has


neither filed an amended complaint nor sought additional time to do so. Plaintiff was given meaningful notice of what was expected, and cautioned that his case could be dismissed if he failed to timely comply. Therefore, this action will be dismissed without prejudice due to plaintiff's failure to prosecute his case and his failure to comply with this Court's September 26, 2017 order. Fed. R. Civ. P. 41(b); *see also Dudley v. Miles*, 597 F. App'x 392 (8th Cir. 2015) (*per curiam*) (affirming dismissal without prejudice where pro se plaintiff failed to file an amended complaint despite being cautioned that dismissal could result from failure to do so); *Fitzwater v. Ray*, 352 F. App'x 125, 126 (8th Cir. 2009) (*per curiam*) (district court did not abuse its discretion in dismissing action without prejudice when the pro se plaintiffs failed to comply with an order "directing them to file within fourteen days an amended complaint in conformity with Rule 8"); *Brown v. Frey*, 806 F.2d 801, 803-04 (8th Cir. 1986) (a district court has the power to dismiss an action for the plaintiff's failure to comply with any court order).

Accordingly,

IT IS HEREBY ORDERED that this case is **DISMISSED** without prejudice. A separate order of dismissal will be entered herewith.

IT IS HEREBY CERTIFIED that an appeal from this dismissal would not be taken in good faith.

Dated this 27th day of October, 2017.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE